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 B&O MANUFACTURING, INC.

UNITED STATES DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE DIVISION

E-FILED - 12/22/06

B&O MANUFACTURING, INC.,

Plaintiff and Counter-
 Defendant,

vs.

KML CORPORATION.

Case No. C06-01535 RMW RS

**~~PROPOSED~~ ORDER MODIFYING
 CASE SCHEDULING ORDER**

AND RELATED CROSS-ACTIONS.

Defendant and Counter-Claimant KML Corporation and Plaintiff and
 Counter-Defendant B&O Manufacturing, Inc., pursuant to Local Rules 6.1(b) and 6.2,
 stipulate and request a modification of the Case Scheduling Order as follows:

1. According to the Case Scheduling Order, as modified by order of this Court
 on October 18, 2006, the last day to complete private mediation was continued to
 December 29, 2006. Although mediation was scheduled with Stuart Gasner, Esq. for
 December 12, 2006, that date became impractical for two reasons:

(a) The inability to timely obtain, despite appropriate effort, critical
 documents from Kohl's Department Stores, Inc. Kohl's is the customer of plaintiff, whose
 business plaintiff claims it lost due to alleged breaches of contract by Defendant.
 Defendant has now subpoenaed the records of Kohl's; and

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(b) The private matter referenced in the letter by plaintiff's counsel accompanying the Stipulation, which plaintiff's counsel requests, and which defendant's counsel agrees, should not be filed.

Accordingly, the parties request that the Court modify the prior Scheduling Order as follows:

1. Last day to complete private mediation session: February 16, 2007
2. Last day to disclose experts and exchange experts' reports: March 15, 2007
3. Close of non-expert and expert discovery: April 20, 2007
4. Hearing on dispositive motions: May 4, 2007, 9:00 a.m.
5. Pretrial statements due: June 15, 2007
6. Pretrial conference: June 21, 2007, 2:00 p.m.
7. Trial: July 9, 2007, 1:30 p.m.

IT IS SO ORDERED.

DATED: December 22, 2006

/s/ Ronald M. Whyte

The Honorable Ronald M. Whyte
Judge of the United States District Court